

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

1.) Benjamin Roberts,

Plaintiff,

v.

2.) United Receivables Group, LLC,

Defendant.

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: Civil Action No.: 4:16-cv-00030-CVE-TLW
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**COMPLAINT AND
DEMAND FOR JURY TRIAL**

For this Complaint, Plaintiff, Benjamin Roberts, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendant's repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (the "FDCPA").

2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

3. Plaintiff, Benjamin Roberts ("Plaintiff"), is an adult individual residing in Avant, Oklahoma, and is a "consumer" as the term is defined by 15 U.S.C. § 1692a(3).

4. Defendant United Receivables Group, LLC ("United"), is a South Carolina business entity with an address of 572 John Ross Parkway, Suite 107-12, Rock Hill, South Carolina 29730, operating as a collection agency, and is a "debt collector" as the term is defined by 15 U.S.C. § 1692a(6).

ALLEGATIONS APPLICABLE TO ALL COUNTS

A. The Debt

5. Plaintiff allegedly incurred a financial obligation (the “Debt”) to an original creditor (the “Creditor”).

6. The Debt arose from services provided by the Creditor which were primarily for family, personal or household purposes, which meets the definition of a “debt” under 15 U.S.C. § 1692a(5).

7. The Debt was purchased, assigned or transferred to United for collection, or United was employed by the Creditor to collect the Debt.

8. Defendant attempted to collect the Debt and, as such, engaged in “communications” as defined in 15 U.S.C. § 1692a(2).

B. United Engages in Harassment and Abusive Tactics

9. Within the last year, Defendant contacted Plaintiff in an attempt to collect the Debt.

10. On or about August 24, 2015, United called Plaintiff’s father and left a voicemail message stating that it would take Plaintiff to court if Plaintiff did not return the call.

11. Thereafter, Plaintiff returned United’s call. During the call, United again threatened Plaintiff with legal action if the Debt was not paid.

12. To date, United has not initiated any legal action against Plaintiff.

C. Plaintiff Suffered Actual Damages

13. Plaintiff has suffered and continues to suffer actual damages as a result of Defendant’s unlawful conduct.

14. As a direct consequence of Defendant's acts, practices and conduct, Plaintiff suffered and continues to suffer from humiliation, anger, anxiety, emotional distress, fear, frustration and embarrassment.

COUNT I
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. § 1692, et seq.

15. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

16. Defendant's conduct violated 15 U.S.C. § 1692b(2) in that Defendant contacted Plaintiff's father for a purpose other than to confirm or correct location information.

17. Defendant's conduct violated 15 U.S.C. § 1692c(b) in that Defendant communicated with Plaintiff's father regarding the Debt.

18. Defendant's conduct violated 15 U.S.C. § 1692d in that Defendant engaged in behavior the natural consequence of which was to harass, oppress, or abuse Plaintiff in connection with collection of the Debt.

19. Defendant's conduct violated 15 U.S.C. § 1692e in that Defendant used false, deceptive, or misleading representation or means in connection with collection of the Debt.

20. Defendant's conduct violated 15 U.S.C. § 1692e(5) in that Defendant threatened to take action, without actually intending to do so.

21. Defendant's conduct violated 15 U.S.C. § 1692e(10) in that Defendant employed false and deceptive means to collect the Debt.

22. The foregoing acts and omissions of Defendant constitute numerous and multiple violations of the FDCPA.

23. Plaintiff is entitled to damages as a result of Defendant's violations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant:

1. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
2. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A);
3. Costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3);
4. Punitive damages; and
5. Such other and further relief as may be just and proper.

Dated: January 19, 2016

Respectfully submitted,

By /s/ Sergei Lemberg

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